



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4115

Introduced 2/27/2009, by Rep. Rosemary Mulligan

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-8.5 new

Amends the Election Code. Prohibits electioneering communications that negatively refer to a clearly identified candidate or candidates who will appear on the ballot during the 15 days before an election or primary. Requires the State Board of Elections to define negative references. Authorizes the State Board to investigate complaints of and impose civil penalties for violations. Requires the State Board of Elections to appoint a screening board to review (i) alleged violating communications and (ii) the compliance of prospective communications with the prohibition.

LRB096 11794 JAM 22592 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Section  
5 9-8.5 as follows:

6 (10 ILCS 5/9-8.5 new)

7 Sec. 9-8.5. Negative electioneering communications.

8 (a) Electioneering communications, as defined in this  
9 Article, that negatively refer to a clearly identified  
10 candidate or candidates who will appear on the ballot are  
11 prohibited during the 15 days immediately before an election or  
12 primary.

13 (b) The State Board may investigate complaints of and  
14 impose civil penalties for violations of this Section. No later  
15 than 45 days before the date of each primary or election, the  
16 State Board of Elections shall appoint a screening board (i) to  
17 review allegations of violations of this Section and (ii) to  
18 review any prospective communication submitted by a candidate  
19 or political committee before its distribution and comment to  
20 the submitting candidate or committee upon the communication's  
21 compliance with or violation of this Section if distributed.  
22 The screening board shall consist of 4 members, no more than 2  
23 of whom are affiliated with the same political party. The

1 screening board must meet to review a communication within 2  
2 business days after the allegation or prospective  
3 communication is submitted to the State Board of Elections. The  
4 screening board must verify the authenticity of an allegedly  
5 violative communication and shall report upon its review to the  
6 State Board of Elections, in the case of an alleged violation,  
7 or to the submitting candidate or committee, in the case of a  
8 prospective communication, in a manner prescribed by the State  
9 Board.

10 (c) The State Board by rule shall define negative  
11 references in electioneering communications.